

## Article - Education

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§16–310.

(a) (1) Subject to paragraphs (2), (3), (4), (5), (6), and (7) of this subsection and subsection (f) of this section, any student who attends a community college in this State and is not a resident of this State shall pay, in addition to the student tuition and fees payable by a county resident, an out-of-state fee, at least equal to:

(i) 60% of the county share per full-time equivalent student as determined under § 16–305 of this subtitle; and

(ii) The marginal cost component of the State share per full-time equivalent student as determined under § 16–305(c)(5) of this subtitle.

(2) (i) Each board of trustees of a community college with a service area that borders another state may set an out-of-state fee in accordance with subparagraph (ii) of this paragraph for any student who resides in an out-of-state county that borders the community college's service area.

(ii) The fee described in subparagraph (i) of this paragraph:

1. Shall be more than the out-of-county fee as determined in subsection (b)(1) of this section; and

2. May be less than the out-of-state fee as determined in paragraph (1) of this subsection.

(iii) Any student attending a community college in this State who pays a fee as provided in this paragraph may not be included as an in-State resident for computation of State aid to community colleges in accordance with § 16–305 of this subtitle.

(3) (i) A resident of the state of West Virginia who attends Garrett College under a negotiated reciprocity agreement between the states of Maryland and West Virginia is an in-county resident for tuition purposes.

(ii) For each full-time equivalent student participating in the reciprocity agreement, the State shall pay to Garrett College an amount equal to the net State support per full-time equivalent student as provided in § 16–305 of this subtitle. For any fiscal year, if State appropriations for reimbursement of any

reciprocity agreements under this paragraph do not provide sufficient funds to fully reimburse the college, the Governor shall include in the budget bill for the next fiscal year a deficiency appropriation to provide the additional funds to fully reimburse the college.

(iii) The Commission may make payments to effectuate the provisions of this paragraph from funds specifically appropriated for this purpose as provided in the State budget or any supplemental budget request.

(iv) The payments authorized by this paragraph are in addition to the State operating fund to community colleges authorized in § 16–305(c) of this subtitle.

(4) (i) Any student attending a community college in this State who is not a resident of this State and is enrolled in an education program leading to licensure in nursing shall be included as an in-county resident for tuition purposes and shall be included as an in-State resident for computation of the State aid to community colleges in accordance with § 16–305 of this subtitle.

(ii) The student shall furnish a surety bond or promissory note to the State with security satisfactory to the Maryland Higher Education Commission, that on completion of the nursing education program, the student will work for at least 2 years in a hospital or related institution as defined in § 19–301 of the Health – General Article in this State.

(iii) The Secretary of Health may determine if there is a shortage of nurses.

(iv) Subject to subparagraphs (v) and (vi) of this paragraph, if the Secretary determines that there is no shortage of nurses, the Nonresident Student Tuition Reduction and State Aid Program established under this paragraph may not be applied to any courses required for the nursing program.

(v) Subparagraph (iv) of this paragraph applies only to students who enroll in a nursing education program subsequent to the determination made under subparagraph (iv) of this paragraph.

(vi) Subparagraph (v) of this paragraph may not affect any student who is participating in the Nonresident Tuition Reduction and State Aid Program prior to the determination under subparagraph (iii) of this paragraph.

(5) (i) Each board of community college trustees may waive the out-of-state fee as determined in paragraph (1) of this subsection for a student who is employed by a business located in the county that supports the community college.

(ii) Any student attending a community college in this State who receives a tuition waiver as provided by this paragraph shall not be included as an in-State resident for computation of State aid to community colleges in accordance with § 16–305 of this subtitle.

(6) (i) Each board of community college trustees shall waive the out-of-state fee as determined in paragraph (1) of this subsection for a student who resides in this State but does not meet the in-State residency requirement for tuition purposes and is a public school teacher employed by a county board if:

1. A. The course or program is required by the State or the county board to maintain the teacher's present position with the county board; or

B. The course or program maintains or improves skills required by the county board in the teacher's current position;

2. The teacher resides in this State and is employed as a full-time public school teacher; and

3. The teacher has been employed as a public school teacher in the State for less than a year.

(ii) A public school teacher is responsible for the difference between in-State and out-of-state tuition if:

1. The teacher resigns or is terminated from employment with the county board; and

2. The teacher remains enrolled in the course or program at a community college during the teacher's first year as a Maryland resident.

(iii) Any public school teacher attending a community college in this State who satisfies the requirements established in this paragraph shall be included as an in-State resident for computation of the State aid to community colleges in accordance with § 16–305 of this subtitle.

(7) (i) In this paragraph, "BRAC" means the Base Realignment and Closure process as announced by the United States Department of Defense.

(ii) Each board of community college trustees may waive the out-of-state fee as determined in paragraph (1) of this subsection for a student who

resides in the State but does not meet the in-State residency requirement for tuition purposes and has moved to the State as an employee or a family member of an employee as part of BRAC.

(iii) Any BRAC employee or family member of a BRAC employee attending a community college in the State who satisfies the requirements established in this paragraph shall be included as an in-State resident for computation of the State aid to community colleges in accordance with § 16-305 of this subtitle.

(b) (1) Subject to the provisions of paragraphs (2), (3), and (4) of this subsection and subsection (g) of this section, any student who attends a community college not supported by the county in which the student resides shall pay, in addition to the student tuition and fees payable by a resident of a county that supports the community college, an out-of-county or out-of-region fee at least equal to 60% of the county share per full-time equivalent student as determined under § 16-305 of this subtitle.

(2) (i) Any student who resides in an incorporated municipality whose corporate limits extend into 2 counties in the State is considered an in-county resident for tuition purposes at a community college campus located within that municipality that is supported by either county.

(ii) If a student is considered an in-county resident under this paragraph and the student does not reside in the county that supports the community college, the county in which the student resides shall pay the difference between the out-of-county tuition and the in-county tuition.

(3) Each board of community college trustees may waive the out-of-county or out-of-region fee, as determined in paragraph (1) of this subsection, for a student who is employed by a business located in the county that supports the community college.

(4) (i) In this paragraph, "BRAC" means the Base Realignment and Closure process as announced by the United States Department of Defense.

(ii) Each board of community college trustees may waive the out-of-county fee or out-of-region fee as determined in paragraph (1) of this subsection for a student who resides in the county but does not meet the in-county residency requirement for tuition purposes and has moved to the State as an employee or a family member of an employee as part of BRAC.

(5) (i) In this paragraph, “victim of human trafficking” means an individual who has been recruited, harbored, transported, provided, or obtained for labor, services, or a sexual act through the use of force, fraud, or coercion.

(ii) Each board of community college trustees may waive the out-of-county fee or out-of-region fee as determined in paragraph (1) of this subsection for a student who attends the community college and:

1. Is not a resident of the county; and

2. Is a victim of human trafficking.

(iii) Information collected under this paragraph as part of a student’s registration shall remain confidential.

(iv) 1. A community college that admits an individual who qualifies for a waiver of the out-of-county fee or out-of-region fee under this paragraph shall:

A. Keep a record of the number of individuals for whom a waiver was granted in accordance with subparagraph (ii) of this paragraph; and

B. Report the information required in item A of this subsubparagraph to the Commission each year.

2. The Commission shall submit to the General Assembly, in accordance with § 2–1257 of the State Government Article, an annual report consisting of the information submitted to the Commission under subsubparagraph 1 of this subparagraph.

(v) 1. The Commission shall adopt regulations to implement the provisions of this paragraph.

2. The regulations shall include a requirement that an application for a waiver of the out-of-county fee or out-of-region fee as provided in this paragraph shall contain evidence that the applicant is a victim of human trafficking, including:

A. Certified law enforcement, court, or other federal or State agency records or files;

B. Documentation from a human trafficking prevention or assistance program; or

C. Documentation from a religious, medical, or other professional from whom the applicant has sought assistance or treatment as a victim of human trafficking.

(c) Any county may appropriate money to pay the out-of-county or out-of-region fees for county residents who attend a community college in this State that is not supported by that county.

(d) (1) (i) 1. Notwithstanding subsection (b) of this section, subject to subsubparagraph 2 of this subparagraph, if any student is a resident of this State and enrolls in an instructional program that the Commission designates as a health manpower shortage program or a statewide or regional program:

A. The student shall pay only the student tuition and fees payable by a resident of a county that supports the community college; and

B. Subject to subparagraph (ii) of this paragraph, the Commission shall pay any applicable out-of-county fee to the community college.

2. For a student who attends a community college not supported by the county in which the student resides, at the discretion of the board of community college trustees:

A. The community college may charge the student any applicable out-of-county fee;

B. Subject to subparagraph (ii) of this paragraph, the Commission shall pay the amount of any applicable out-of-county fee to the community college; and

C. The community college shall reimburse the student the amount received from the Commission under item B of this subsubparagraph.

(ii) For any fiscal year beginning on or after July 1, 2011, if State appropriations to the Commission for payment of any applicable out-of-county fee under this paragraph do not provide sufficient funds to fully reimburse applicable out-of-county fees, the Commission shall prorate the reimbursement for the out-of-county fees.

(2) The Commission may make payments to effectuate the provisions of this section from funds specifically appropriated for this purpose as provided in the State budget or any supplemental budget request.

(e) (1) Notwithstanding subsection (b) of this section, if any student resides in a county where the per capita wealth is below the State average and the county does not support a community college or a branch campus of a community college, except for Baltimore City, the student may enroll at a community college or a branch campus in the State, either of which is located in a county adjacent to the one in which the student resides, and pay only the tuition and fees applicable to a county resident that supports the community college.

(2) For any student determined to be eligible under paragraph (1) of this subsection, the Commission shall pay:

(i) In fiscal year 1992, 75% of any applicable out-of-county fee provided that the county in which the student resides pays 25 percent of that fee; and

(ii) In fiscal year 1993, and each fiscal year thereafter, 50% of any applicable out-of-county fee provided that the county in which the student resides pays 50 percent of that fee.

(3) The Commission may make payments to effectuate the provisions of this subsection from funds specifically appropriated for this purpose in the State budget or any supplemental budget request.

(f) The provisions of this section shall be subject to any reciprocal interstate agreement entered into by the Maryland Higher Education Commission under § 11-105(m)(2) of this article.

(g) (1) Notwithstanding subsection (b) of this section, any student who resides in Howard County or in Prince George's County and attends the Laurel College Center, a partnership equally supported by the Howard and Prince George's community colleges, is deemed to be an in-county student and may not be subject to out-of-county fees established in subsection (b) of this section, by Howard Community College or Prince George's Community College for courses taken at the Laurel College Center.

(2) Paragraph (1) of this subsection applies to any student who attends the Laurel College Center on or after August 1, 2001.

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